

Docket No. PRD-0023-USA-NP

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Burnett et al

Serial No.: 10/634,692

Art Unit: 1651

Filed

: August 5, 2003

Examiner:

For

: Electrophysiology Assay Methods

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Mov. 17/2004
(Date of Deposit)

Myra H. McCormack
(Name of applicant, assignee, or Registered Representative)

(Signature)

Nov. 17/2004

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

$\square$ In accordance with §1.97(b), since this Information
Disclosure Statement is being filed either within three months
of the filing date of the above-identified national application
(other than a continued prosecution application under §1.53(d))
within three months of the date of entry into the national
stage of the above identified application as set forth in
§1.491, or before the mailing date of a first Office Action on
the merits of the above-identified application, or before the
mailing date of a first Office Action after the filing of a
request for continued examination under §1.114, no additional
fee is required.
In accordance with §1.129(a), this Information
Disclosure Statement is being filed in connection with [] the
first or second After Final Submission, therefore:
Statement in Accordance with §1.97(e)
(attached); or
Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).
In aggordance with 61 07(a) this Information
In accordance with §1.97(c), this Information
Disclosure Statement is being filed after the period set forth
in §1.97(b) above but before the mailing date of either a Final
Action under $\S1.113$ or a Notice of Allowance under $\S1.311$ , or an
action that otherwise closes prosecution and that it is
accompanied by one of:
<pre>Statement in Accordance with §1.97(e)</pre>
(attached); or

□ F	riease charge Deposit Account No. 10-
C	750/ / the fee of $$180.00$ as set forth
i	n §1.17(p).
_	
☐ In acc	cordance with §1.97(d), this Information
Disclosure State	ment is being filed after the mailing date of
either a Final A	ction under §1.113 or a Notice of Allowance
under §1.311 but	before the payment of the Issue Fee.
Applicant(s) her	eby petition(s) for consideration of this
Information Disc	losure Statement. Included are: Statement in
Accordance with	§1.97(e) as set forth below and the fee of
\$180.00 as set f	orth in §1.17(p).
Copies	s of each of the references listed on the
attached Form PT	O-1449 are enclosed herewith.
☐ Conies	s of references listed on the attached Form PTO
	d herewith EXCEPT THAT:
	<u> </u>
	In view of the voluminous nature of references
	[list as appropriate], and the likelihood that
	these references are available to the Examiner,
	copies are not enclosed herewith.
•	opies are not encrosed nerewion.
П	If any of the foregoing publications are not
F.	available to the Examiner, Applicant will
	endeavor to supply copies at the Examiner's
	request.
	· ·
	of only foreign patent documents and non-
<del>-</del>	re are enclosed in accordance with 37 CFR 1.98

(a)(2). (The U.S. patents and each U.S. patent application

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

publication listed on the attached Form PTO-1449 are not

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

$oxed{\boxtimes}$ There are no listed references which are not in the English language.
The relevance of those listed references which are not in the English language is as follows:
Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/PRD-0023/MHM. This form is submitted in triplicate.

Respectfully submitted,

Myra H. McCormack Reg. No. 36,602

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-6932

DATED: Nov. 17, 2004

NOV 1 9 ZOO4

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

a collection of information unless it displays a	a valid OMB control number.
Application Number	10/634,692
Filing Date	August 5, 2003
First Named Inventor	Burnett et al
Group Art Unit	1651
Examiner Name	
Attorney Docket Number	PRD-0023-USA-NP

		U.S. Patent Do	cument			
Examiner Initials	Cite No. <sup>1</sup>	Kind Code <sup>2</sup> Number (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages of relevant figures appear
		5,134,070	А	Casnig	07-28-1992	•
		5,843,741	А	Wong et al	12-01-1998	
				the state of the s		
	<del></del>					
· · · · · · · · · · · · · · · · · · ·						
	<u> </u>	<u> </u>	FOR	EIGN PATENT DOCUMENTS		<u> </u>

#### Date of Publication Foreign Patent Document Pages, Columns, Lines, of Cited Document where relevant Name of Patentee or passages or relevant Examiner Cite mm-dd-yyyy Applicant of Cited Document Initials figures appear KindCode<sup>5</sup> Office<sup>3</sup> Number⁴ No.1

Examiner	Date
Signature	Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



## SUBMISSION UNDER MPEP 609 D

Application Number 10/634,692
Filing Date August 5, 2003
First Named Inventor Burnett et al
Group Art Unit 1651
Examiner Name
Attorney Docket Number PRD-0023-USA-NP

Page 1 of 1

			U.S. Patent Document			
Examiner Cite Name of Patentee or Applicant of Cited Document		Number (if known)		Pages, Columns, Lines, where relevant passages o relevant figures appear		
<u> </u>						
					•	
			-			
			21			
			1			

#### FOREIGN PATENT DOCUMENTS

		PUREIC	MPAIEN	r DOCUME	N13		
Examiner Initials	Cite No. <sup>1</sup>	Name of Patentee or Applicant of Cited Document	Foreign F	Patent Docum	Nent KindCode <sup>5</sup>	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
_						•	
		OTHER PRIOR ART -					
Examiner 's Initials*	Cite No.1	Include name of the author (in title of the item (book, magazin volume-issue number	e, journal, s	serial, symp	osium, catalo	g, etc.), date, page(s),	T²
		International Search Report PCT/US0	3/24381 date	ed October 14	, 2004		
<del></del>							
							-
-					_		

Examiner	Date	
Signature	Considered	